

REMARKS

In the October 14, 2003 Office Action, the Examiner allowed claims 1-33, rejected claim 36 under Section 112, Second Paragraph, and rejected claims 34 and 35 under Section 102(e) over Mizuno et al. The applicants thank the Examiner for considering and allowing claims 1-33. The applicants address the Examiner's rejections in the above amendments and following remarks.

A. Response to Section 112, Second Paragraph Rejection

The Examiner has rejected claim 36 on the grounds that the term "the third portion being located opposite the first portion from the second portion" is indefinite under Section 112. The applicants above amend claim 36 to clarify that the second portion of the sealing groove is positioned on one side of the first portion and the third portion of the sealing groove is located on an opposing other side of the first portion. In essence, when viewed in the cross-section, the first portion of the sealing groove is located in-between the second and third portions of the sealing groove.

The applicants believe that the above amendments to claim 36 resolve the Examiner's objection. If the Examiner would like to discuss any additional or different amendments, the Examiner is invited to contact the undersigned by telephone.

B. Response to Section 102 Rejection

Claims 34 and 35 stand rejected under Section 102(e) on the grounds that they are anticipated by U.S. Publication No. 2002/0064703 to Mizuno et al. In particular, the Examiner identifies Figures 7-9 in Mizuno et al. as disclosing a sealing groove with a complex cross-sectional shape having a first raised portion and a second depressed portion.

The invention recited in claims 34 and 35 as amended, is patentable under Sections 102 and 103 over Mizuno et al. because the latter does not teach or suggest a sealing groove with a substantially rigid first portion. In Mizuno, the sealing groove 360 illustrated in Figure 7 and, likewise the sealing grooves 360A and 360B shown in Figures 8 and 9, respectively, all disclose a groove having a resilient sealing member 362/362A/362B. The

sealing members disclosed in Figures 7-9 extend above the plane of the adjacent fuel cell by distance H. When compressed in a stack, the raised portion is compressed and deformed to facilitate a seal (Paragraph 73).

In contrast, the invention of claims 34 and 35, as amended recites a substantially rigid portion that is raised with respect to other portions of the sealing groove. Because the teachings of Mizuno et al. suggest that a resilient raised element is necessary or preferred, the substantially rigid raised element of the present invention is patentable under Sections 102 and 103. Accordingly, the applicants respectfully request that the Examiner reconsider and withdraw the rejection to claims 34 and 35.

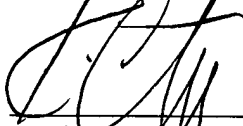
C. Conclusion

The applicants respectfully request that the Examiner reconsider the previous rejections in the present application and, as discussed above, withdraw the same. The applicants invite the Examiner to contact the undersigned by telephone to discuss these or any other issues remaining in the present application.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,

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